

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL LOWELL DYER,

Defendant-Appellant.

UNPUBLISHED

April 21, 2000

No. 216298

Oakland Circuit Court

LC No. 91-107597-FC

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington*, JJ.

MEMORANDUM.

Defendant appeals as of right his guilty plea based conviction on four counts of armed robbery. MCL 750.529; MSA 28.797. Defendant was sentenced as a habitual offender, fourth offense to ten to twenty years in prison. We affirm.

Defendant argues that his sentence is disproportionate in relation to the lesser sentences of his co-defendants, and his intoxicated condition at the time the crimes were committed. However, defendant entered a guilty plea pursuant to the procedure outlined in *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993). The court indicated that an appropriate sentence would be at the low end of the guidelines range of 120 to 300 months. Defendant was sentenced at the very bottom of this range. A defendant who pleads guilty with knowledge of the sentence agrees that the sentence is proportionate to the offense and the offender. *Id.*, 285; *People v Rodriguez*, 212 Mich App 351, 355; 538 NW2d 42 (1995). There is no basis on which defendant may challenge the proportionality of the sentence to which he agreed.

Affirmed.

/s/ Roman S. Gribbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington

* Circuit judge, sitting on the Court of Appeals by assignment.